

RECEIVED
CENTRAL FAX CENTER

JUN 22 2005

OFFICIAL

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000
Evanston, Illinois 60201
Telephone 847 - 905 - 7111
Facsimile 847 - 905 - 7113

Date: JUNE 22, 2005

To: EXAMINER BEAULIEU, Y.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 872-9306

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: GP-303944 (2760/129)

of Pages: 21

(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Ext. 112 AND ASK FOR JENNIFER CRUZ.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE

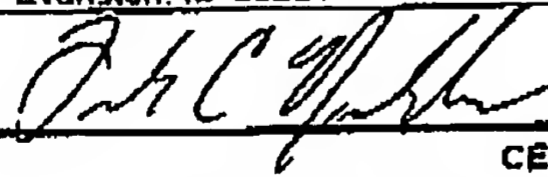
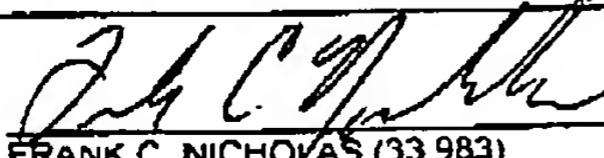
PTO/SB/21 (12-97) Approved for use through 10/01/05. Patent and Trademark Office is U.S. DEPARTMENT OF COMMERCE.
Under the Paper Reduction Act of 1996, no person is required to respond to a communication unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Attorney Docket No	GP-303944 (2760/129)
	Application Number	10/650,549
	Filing Date	AUGUST 28, 2003
	First Named Inventor	CHRISTOPHER L. OESTERLING
	Group Art Unit	3661
	Examiner	BEAULIEU, YONEL

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> One Month Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing Sheets <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below). <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-0980 (General Motors Corporation). A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 07-0980 (General Motors Corporation). A duplicate copy of this sheet is enclosed.

CALCULATION OF FEE

					Small Entity		or	Large Entity	
	Claims After Amendment		Highest No Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus		0	x \$25=	0		x \$50=	
Indep		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—		+ \$380=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 22, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 to the U.S. Patent and Trademark Office on this date.			
Signature		Date	June 22, 2005
FRANK C. NICHOLAS (33,983)			

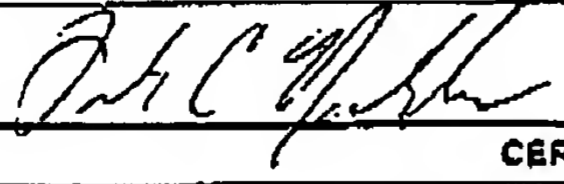
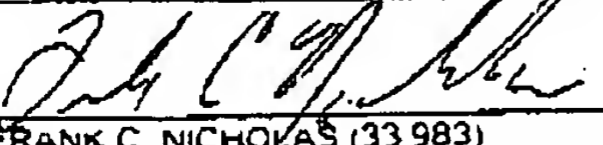
PTO/SB-21 (11/97), approved for use through Bureau OMB 0501-0031 Patent and Trademark Office U.S. Department of Commerce
 Under the Paperwork Reduction Project (1595) no person is to be subjected to a collection of information unless it displays a valid OMB control number

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	GP-303944 (2760/129)
	Application Number	10/650,549
	Filing Date	AUGUST 28, 2003
	First Named Inventor	CHRISTOPHER L. OESTERLING
	Group Art Unit	3661
	Examiner	BEAULIEU, YONEL

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> One Month Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing Sheets <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entry Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-0960 (General Motors Corporation). A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 07-0960 (General Motors Corporation). A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

					Small Entity		or	Large Entity	
	Claims After Amendment		Highest No Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus		0	x \$25=	0		x \$50=	
indisp		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	---		+ \$360=	
					total add'l fee			total add'l fee	
					\$ 0			\$ 0	

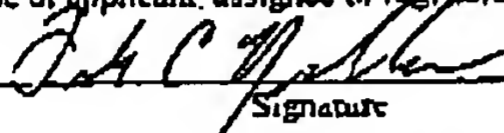
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	June 22, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 to the U.S. Patent and Trademark Office on this date.			June 22, 2005
Signature		Date	June 22, 2005
FRANK C. NICHOLAS (33,983)			

RECEIVED
CENTRAL FAX CENTER

JUN 22 2005

Certificate of Facsimile
I hereby certify that this correspondence is being
transmitted by facsimile to (703) 872-9306 to the U S
Patent and Trademark Office June 22, 2005
(Date of Transmittal)

FRANK C. NICHOLAS (33 983)
Name of applicant, assignee or registered representative


Signature

June 22, 2005
Date of Signature

PATENT
Case No.: GP-303944
(2760/129)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

CHRISTOPHER L. OESTERLING

Serial No.: 10/650,549

Filed: AUGUST 28, 2003

Title: METHOD AND SYSTEM FOR
PROVIDING A CARPOOL SERVICE
USING A TELEMATICS UNIT

Examiner: BEAULIEU, Y.

Group Art Unit: 3661

APPEAL BRIEF

Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents his Brief on Appeal as follows:

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 2 of 18

TABLE OF CONTENTS

1.	Real Party In Interest	3
2.	Related Appeals And Interferences	4
3.	Status Of Claims	5
4.	Status Of Amendments	6
5.	Summary Of Claimed Subject Matter.	7
6.	Grounds Of Rejection To Be Reviewed On Appeal	8
7.	Grouping Of Claims.	9
8.	Arguments	10
9.	Summary	12
	Claims Appendix	13
	Evidence Appendix	18
	Related Proceedings Appendix	18

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 3 of 18

1. REAL PARTY IN INTEREST

The real party in interest is Assignee General Motors Corporation, a corporation having an office and a place of business at 300 Renaissance Center, Detroit, Michigan, 48265-3000 by virtue of an assignment executed by the inventor on August 27, 2003 and filed with the United States Patent and Trademark Office on August 28, 2003, recorded at reel number 014445 frame number 0676.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 4 of 18

2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 5 of 18

3. STATUS OF CLAIMS

Claims 1-4, 6-11, 13-17 and 19-21 stand rejected as anticipated by United States Patent No. 6,697,730 to Dickerson.

Claims 1-4, 6-11, 13-17 and 19-21 are the claims on appeal. *See*, Appendix.

June 22, 2005

Case No.: GP-303944 (2760/129)

Serial No.: 10/650,549

Filed: August 28, 2003

Page 6 of 18

4. STATUS OF AMENDMENTS

All claim amendments have been entered.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 7 of 18

5. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application 10/650,549 filed on August 28, 2003. Further, all citations are illustrative only and support for the cited element may be found elsewhere in the specification.

The invention relates to a method 200 (FIG. 2) for providing carpool service using a telematics system and a system 100 (FIG. 1) for implementing this method. The method of providing car pooling assistance through a wireless communication system begins with receiving a carpool enrollment request from a user (Block 210, pg. 10 lines 14-16) and then obtaining the positional information of the user's moving vehicle 110 (Block 230, pg. 10 lines 29-30). The positional information of the user's moving vehicle is stored as a route (Block 250, pg. 12 lines 5-7) in a call center database 154. The user's stored route is linked to the user's carpool enrollment request that was previously received to create a user profile (pg. 12 lines 11-14). The method continues by sending at least one available match based on the carpool enrollment request to the first user (Block 275 & 280, pg. 13 lines 16 to pg. 14 line 9).

System 100 for providing car pooling assistance through a wireless communication system includes means for receiving a user carpool enrollment request (See pg. 9 line 26 to pg. 10 line 16); means for obtaining the positional information of the user's moving vehicle (See pg. 10 line 17 to pg. 11 line 26); means for storing the positional information as a route in a call center database (See pg. 11 line 27 to pg. 12 line 15); linking the user's stored route to the received user's carpool enrollment request to create a user profile (See pg. 12 lines 11-14); and means for sending at least one available match based on the carpool enrollment request to the user (See pg. 14 lines 2-9).

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 8 of 18

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-4, 6-11, 13-17 and 19-21 were rejected under 35 U.S.C. §102(e) under
Dickerson.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 9 of 18

7. GROUPING OF CLAIMS

Claims 1-4, 6-11, 13-17 and 19-21 should be considered as one group, standing or falling with claim 1.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 10 of 18

8. ARGUMENTS

Claims 1-4, 6-11, 13-17 and 19-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Dickerson.

Dickerson does not disclose each element of the invention

Dickerson fails to disclose each and every element of the Appellants' invention as claimed, as required to maintain a rejection under 35 U.S.C. §102(e). *See* MPEP 2131. Therefore, the §102(e) rejection of claims 1-4, 6-11, 13-17 and 19-21 is traversed.

Dickerson fails to disclose, teach, or suggest obtaining the positional information of the user's moving vehicle, storing the positional information as a route in a call center database and linking the user's stored route to the received user's carpool enrollment request to create a user profile and sending at least one available match based on the carpool enrollment request to the first user as recited in claim 1.

The Examiner cites to FIG. 9 of the Dickerson patent to teach the claim limitations of obtaining the positional information of the user's moving vehicle and storing the positional information as a route in a call center database. However, FIG. 9, as well as the entirety of the Dickerson patent, makes it clear that the user/passenger is separate from the vehicle. FIG. 9 illustrates that the user requesting the services of a vehicle is separate and distinct from the vehicle that responds to the request. This separation between the user and the vehicle makes it clear that the Dickerson patent does not teach "obtaining the positional information of the user's moving vehicle and storing it as a route in a call center database" as recited in claim 1. Therefore, because the Dickerson patent does not teach or disclose obtaining and storing a user's route, the Dickerson patent also does not teach "linking the user's stored route to the received user's carpool enrollment request to create a user profile" as recited in claim 1.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 11 of 18

The distinction between the user and the passenger is made more clear by the fact that the Dickerson patent merely teaches using GPS to determine the real time location of the vehicle sent to pick up the passenger (see col. 11 lines 42 to 65 and col. 14 lines 16 to 25). The Dickerson patent does not teach or suggest obtaining and storing GPS information of a user's vehicle as a "route in a call center database" as claimed by the Appellant. Dickerson merely teaches having GPS as part of the communication device of the vehicle and using the GPS information for providing real time location information for a vehicle and providing this information to a user to let the user know how close the vehicle is to a pick-up location (see col. 11 lines 62 to 65).

Therefore, claim 1 is not anticipated by Dickerson. Claims 1-4, 6-11, 13-17 and 19-21 are patentable over Dickerson.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 12 of 18


SUMMARY

The Appellants respectfully submit that claims 1-4, 6-11, 13-17 and 19-21 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: June 22, 2005

Respectfully submitted,
Christopher L. Oesterling

CARDINAL LAW GROUP
1603 Orrington Avenue, Suite 2000
Evanston, IL 60201
(847) 905-7111


FRANK C. NICHOLAS
Registration No. (33,983)
Attorney for Applicants

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 13 of 18

10. APPENDIX

1. (Previously Presented) A method of providing car pooling assistance through a wireless communication system, the method comprising:
 - receiving a user carpool enrollment request
 - obtaining the positional information of the user's moving vehicle;
 - storing the positional information as a route in a call center database;
 - linking the user's stored route to the received user's carpool enrollment request to create a user profile; and
 - sending at least one available match based on the carpool enrollment request to the first user.
2. (Original) The method of claim 1 wherein obtaining the positional information of the moving vehicle comprises obtaining the positional information through a global positioning system.
3. (Original) The method of claim 1 further comprising:
 - recording the positional information obtained for the moving vehicle; and
 - transmitting the recorded positional information from the vehicle to the call center.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 14 of 18

4. (Original) The method of claim 1 wherein the positional information further comprises time information.

5. (Cancelled)

6. (Previously Presented) The method of claim 1 further comprising comparing the user profile to at least one subscriber profile, the subscriber profile including at least a carpool enrollment request.

7. (Original) The method of claim 6 further comprising generating a list of at least one subscriber profile that matches the user profile.

8. (Previously Presented) A computer usable medium including a program for providing car pooling assistance through a wireless communication system, the computer usable medium comprising:

computer program code for receiving a user carpool enrollment request

computer program code for obtaining the positional information of the user's moving vehicle;

computer program code for storing the positional information as a route in a call center database;

computer program code for linking the user's stored route to the received user's carpool enrollment request to create a user profile; and

computer program code for sending at least one available match based on the carpool enrollment request to the user.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 15 of 18

9. (Original) The computer usable medium of claim 8 wherein the computer program code for obtaining the positional information of the moving vehicle comprises computer program code for obtaining the positional information through a global positioning system.
10. (Original) The computer usable medium of claim 8 further comprising:
computer program code for recording the positional information obtained for the moving vehicle; and
computer program code for transmitting the recorded positional information from the vehicle to the call center.
11. (Original) The computer usable medium of claim 8 wherein the positional information further comprises time information.
12. (Cancelled)
13. (Previously Presented) The computer usable medium of claim 8 further comprising computer program code for comparing the user profile to at least one subscriber profile, the subscriber profile including at least a carpool enrollment request.
14. (Original) The computer usable medium of claim 13 further comprising computer program code for generating a list of at least one subscriber profile that matches the user profile.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 16 of 18

15. (Previously Presented) A system of providing car pooling assistance through a wireless communication system, the system comprising:
means for receiving a user carpool enrollment request
means for obtaining the positional information of the user's moving vehicle;
means for storing the positional information as a route in a call center database;
linking the user's stored route to the received user's carpool enrollment request to create a user profile; and
means for sending at least one available match based on the carpool enrollment request to the user.

16. (Original) The system of claim 15 wherein the means for obtaining the positional information of the moving vehicle comprises means for obtaining the positional information through a global positioning system.

17. (Original) The system of claim 15 further comprising:
means for recording the positional information obtained for the moving vehicle; and
means for transmitting the recorded positional information from the vehicle to the call center.

18. (Cancelled)

June 22, 2005

Case No.: GP-303944 (2760/129)

Serial No.: 10/650,549

Filed: August 28, 2003

Page 17 of 18

19. (Previously Presented) The system of claim 15 further comprising means for comparing the user profile to at least one subscriber profile, the subscriber profile including at least a carpool enrollment request.

20. (Original) The system of claim 19 further comprising means for generating a list of at least one subscriber profile that matches the user profile.

21. (Previously Presented) A method for providing car pooling assistance through a wireless communication system, the method comprising:

receiving a first user carpool enrollment request;

obtaining a positional information for a first user moving vehicle;

associating the positional information of the first user moving vehicle with the first user carpool enrollment request;

receiving a plurality of additional user carpool enrollment requests

comparing the positional information associated with the first user carpool enrollment request with the plurality of additional user carpool enrollment requests to determine a match; and

sending at least one match responsive to the first user carpool enrollment request based on the comparison.

June 22, 2005
Case No.: GP-303944 (2760/129)
Serial No.: 10/650,549
Filed: August 28, 2003
Page 18 of 18

Evidence Appendix

None

Related Proceedings Appendix

None.